

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
&
THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

WRIT PETITION No.34813 of 2018

DATE: 27-09-2018

Between:

Shaik Ghouse Basha

..... PETITIONER

AND

State of Andhra Pradesh,
Rep.by its Principal Secretary,
Home Department,
Velagapudi, Krishna District
and 4 others

.....RESPONDENTS

COUNSEL FOR THE PETITIONER: Sri P.RAVISHANKER

COUNSEL FOR RESPONDENTS Nos. 1 to 4: A.G.P attached to A.G(AP)

THE COURT MADE THE FOLLOWING:



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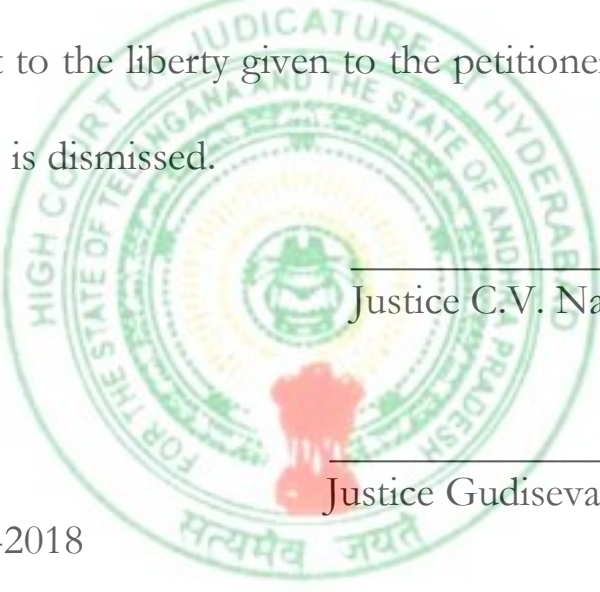
ORDER: (Per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The petitioner, who is married and having his wife alive and children, claims that he has developed live-in relationship with one Routhu Dhanalakshmi Sirisha (the alleged detainee). He has filed this Writ Petition for issue of Habeas Corpus directing respondent No.5, the father of the alleged detainee, to produce her before the Court and set her at liberty.

Though the petitioner claims that the alleged detainee is 25 years of age, no proof in respect thereof has been filed. The various averments raised by the petitioner and the alleged forcible custody of the alleged detainee by respondent No.5 also remained unsubstantiated. Respondent No.5 being none other than the alleged detainee's father, it is not possible to believe that he will be acting contrary to the interests of her own daughter. Though the personal law of the petitioner may permit a second marriage, this Court can visualize the trauma the petitioner's first wife and his children would be suffering due to his alleged live-in relationship with the alleged detainee.

Ironically, the petitioner who claims to be worried about the well being of an outsider like the alleged detainee, appeared to have thrown the welfare of his own wife and children to the winds in the name of love. In these facts and circumstances of the case, we are not inclined to entertain this Writ Petition for issue of a writ of Habeas Corpus. If the petitioner has any enforceable legal rights in common law, he is left free to avail the remedies available to him in common law courts.

Subject to the liberty given to the petitioner as above, the Writ Petition is dismissed.



Justice C.V. Nagarjuna Reddy

Justice Gudiseva Shyam Prasad

Date : 27-09-2018
Dsr/AM